

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-30 are pending in the current application. In this Amendment, Applicants amend claims 1-3, 5, 7, 9-11, 16, 18-21, and 23-26, cancel claims 8, 13-15, 17, and 22 without prejudice or disclaimer, and add new claims 31-33. Applicants believe that these amendments do not introduce new matter and respectfully request their entry. Accordingly, claims 1-7, 9-12, 16, 19-21, and 23-33 will be pending upon entry of this Amendment. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brine III et al. (U.S. Patent No. 5,080,372). Claims 1-3, 6, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dill et al. (U.S. Patent No. 5,651,549). Claims 1-3, 5-8, and 10-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Morrow (U.S. Patent No. 6,066,056). Claims 1-3, 5-17, 19-22, and 24-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Morrow et al. (U.S. Patent No. 6,561,932). Claims 1-3, 5-8, 10-17, 19-20, and 23-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Tucker et al. (U.S. Patent No. 6,723,134). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dill et al. and over Morrow ('056). Claims 4 and 18 were rejected under U.S.C. § 103(a) as being unpatentable over Morrow et al. ('932) and over Tucker et al. To the extent these rejections might still be applied to claims presently pending in this application, Applicants respectfully traverse the rejections.

Applicants have amended claims 1 and 20 to more clearly recite the relationship between the protrusions on the top and bottom edges of a frame or sidewall. Specifically, the protrusions on the bottom edge are arranged such that they are “substantially alternating” with respect to the protrusions on the top edge. As explained, for example, in paragraph [0038] of the present specification, this alternating arrangement allows the lacrosse head of the present invention to “provide the performance benefits associated with [protrusions], while still complying with any applicable rules limiting the height of a sidewall....” Applicants respectfully submit that none of the art cited as a basis for rejecting claim 1 or claim 20, whether taken alone or in combination, even considers, let alone discloses, this feature of Applicants’ invention. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 20 and their respective dependent claims.

Applicants have also amended dependent claims 2, 3, 5, 7, 9-11, 16, 18, 19, 21, and 23-25 to be consistent with amended independent claims 1 and 20 and to recite further features of the present invention. Applicants respectfully submit that claims 2, 3, 5, 7, 9-11, 16, 18, 19, 21, and 23-25 are allowable due at least to their dependence on amended claims 1 and 20.

Applicants have also amended claim 26 to more clearly recite that the maximum sidewall height referred to in the claim is the maximum sidewall height “specified by a set of rules for lacrosse.” By so amending the claim, Applicants respectfully submit that none of the art cited as a basis for rejecting claim 26, whether taken alone or in combination, teaches the structure recited in claim 26. For example, none of the references even remotely suggests a structure wherein “the sum of the height of the tooth, the height of the tab, and the height of the sidewall,

measured separately, exceeds a maximum sidewall height specified by a set of rules for lacrosse." For example, Morrow ('932) does not disclose that items 16, 39, and 36 exceed a maximum sidewall height specified by a set of rules for lacrosse and that any height of the lacrosse head measured substantially perpendicularly to the shaft axis, inclusive of items 16 and 36, is no greater than the maximum sidewall height specified by a set of rules for lacrosse. Similarly, Tucker does not disclose these features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 26 and its respective dependent claims.

New claims 31, 32, and 33 depend from amended independent claims 1, 20, and 26, respectively, and are believed patentable. Applicants respectfully request that they be passed to allowance. Support for these new claims can be found in the specification at, for example, paragraphs [0038] and [0039].

Applicants have canceled claims 8, 13-15, 17, and 22 without prejudice or disclaimer thereby rendering the rejections thereto moot.

Serial No.: 10/609,480  
Art Unit: 3711

Attorney's Docket No.: STX-015  
Page 12

In view of the foregoing, all of the pending claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

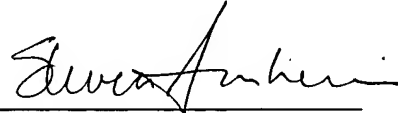
SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7687

Date: September 30, 2004

Respectfully submitted,

GAIT ET AL.

By:



Steven P. Arnheim  
Registration No. 43,475

DCI:SPA